



Meeting Minutes
North Hampton Planning Board
Tuesday, December 5, 2023 at 6:30pm
Town Hall, 231 Atlantic Avenue

These minutes were prepared as a reasonable summary of the essential content of this meeting, not as a transcription.

In attendance: Phil Wilson, Chair; Rob Omberg, Vice Chair; Members Nancy Monaghan, Shep Kroner, Valerie Gamache, John Sillay, and Jim Maggiore, Select Board Representative; Alternate Member Susan McCullom-Barry; Jennifer Rowden, RPC Circuit Rider (electronic connection); and Rick Milner, Recording Secretary.

Chair Wilson called the meeting to order at 6:35pm.

I. New Business

1. Case #23:24 – Applicant: Joseph Nichols, Nichols Environmental, LLC, 102 Chester Road, Fremont, NH 03044. The Applicant requests a Conditional Use Permit to allow construction of a septic system within the Aquifer Protection District in an area with less than four feet of natural soil above bedrock. Property Owner: Appledore Farm Estate Vacation Rentals, LLC, 152 Atlantic Avenue, North Hampton, NH 03862. Property Location: Lot abutting 152 Atlantic Avenue to the east, North Hampton, NH 03862; M/L: 007-032-000; Zoning District: R-1, High Density District.

In attendance for this application:

Chelsi Christensen, property owner; Joseph Nichols, septic system designer.

Mr. Nichols addressed the Board. Mr. Nichols presented a septic system design plan and application materials to the Board which indicated the following:

- a. a proposed five bedroom, single family home on a 6.90 acre lot,
- b. a septic system containing a 17.5 foot wide by 30 foot long raised leach field with enviro-septic piping and a two chamber septic tank (1250 gallon chamber and 350 gallon chamber) designed to support a five bedroom home,
- c. proposed access drive and easement allowing access to the property from an old woods road on the westerly abutting property, and
- d. Aquifer Protection District boundaries within the subject lot.

Mr. Nichols explained that the M/L 007-032-000 property was approved as a buildable lot as part of a subdivision approval issued by the Planning Board in 2006. Data regarding septic system test pits were submitted as part of the original subdivision application in 2006. According to the regulations in place in 2006, the M/L 007-032-000 property could support a septic system for a residential home. The property has remained vacant since the 2006 subdivision approval. When the current property owner began recent septic system design work for a proposed residential home, it was found that new boundaries for the Aquifer Protection District created in 2021 now extend into the area designated for the proposed home and its septic system. The regulations for a septic system within the Aquifer Protection District require 48 inches of natural soil above the bedrock layer. The area for the proposed septic system on M/L 007-032-000 has approximately 32 to 36 inches of natural soil above the bedrock layer. The

applicant is requesting a Conditional Use Permit to allow construction of the septic system as shown on the proposed design plan presented to the Board.

Mr. Nichols further explained that the proposed enviro-septic system design will meet all State of New Hampshire Department of Environmental Services (NHDES) requirements for complete treatment of waste effluent and setbacks from wetlands and wells. NHDES requires only 18 inches of natural soil above the bedrock layer.

Ms. Monaghan moved that the Planning Board find that the application is complete and take jurisdiction of the Case #23:24 Conditional Use Permit application to allow construction of a septic system within the Aquifer Protection District in an area with less than four feet of natural soil above bedrock on the M/L 007-032-000 property. Second by Ms. Gamache. The vote was unanimous in favor of the motion (7-0).

Ms. Monaghan asked for clarification regarding the proposed use of the M/L 007-032-000 property.

Mr. Nichols stated that the lot would be used only for construction of a private residential home.

Mr. Wilson asked if the access drive along the old woods road would be paved.

Ms. Christensen addressed the Board. Ms. Christensen stated that she did not intend to pave any portion of the old woods road. Also, language in the easement deeds associated with the old woods road discourages paving of the dirt and gravel path.

Mr. Kroner stated his opinion that it would not be fair to the applicant for the Board to not allow construction of the septic system since the Planning Board previously approved M/L 007-032-000 as a buildable lot in 2006.

Mr. Maggiore stated his opinion that the application for consideration before the Board deals only with construction of the septic system. Concerns about the access drive along the old woods road are not relevant at this time.

Mr. Wilson opened the public comment session at 7:07pm.

Ms. Christensen stated that she had no intention to pave any portion of the old woods road or install private property, no trespassing signs that would restrict the public's right to use the old woods road for access to conservation land behind her property as allowed by the easement documents associated with the old woods road and the surrounding properties. Ms. Christensen also stated that she had no intention of using the M/L 007-032-000 property for a short term rental business similar to the one that she currently operates on the 152 Atlantic Avenue property which abuts M/L 007-032-000. She intends to use the M/L 007-032-000 property solely as a private residence.

Abutter Linda Deroo addressed the Board. Ms. Deroo stated that the short term rental business which operates at 152 Atlantic Avenue has created a lot of traffic in the neighborhood. She stated her concern that the proposed home on the M/L 007-032-000 property could also be used for a short term rental business. Ms. Deroo stated her concern for the surrounding environment if the Aquifer Protection District regulations were waived to allow the proposed septic system construction.

94 Resident Lynn Grant addressed the Board. Ms. Grant stated her concern with more than one property
95 using the old woods road for access to multiple residential homes as shown on the proposed plans. The
96 old woods road may not be wide enough to support adequate access to the homes.

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98 Mr. Nichols stated that easement documents allow the proposed residential access drives as shown on
99 the proposed plans.

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101 Mr. Wilson stated that the Building Inspector and the Fire Department will review the adequacy of the
102 access drives when a building permit is submitted for the proposed home construction.

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104 Mr. Wilson closed the public comment session at 7:17pm.

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106 Mr. Sillay asked for confirmation that there have been no changes to the condition of the land on the
107 M/L 007-032-000 property. The only change has been the re-location of the Aquifer Protection District
108 boundary.

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110 Mr. Nichols confirmed that there have been no changes to the condition of the land on the M/L 007-032-
111 000 property.

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113 Mr. Kroner stated that, since there is approximately 255,000 square feet of uplands on the M/L 007-032-
114 000 property, it would not be reasonable to deny the application.

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116 Mr. Maggiore stated that adherence to the Aquifer Protection District regulations is important to
117 maintain a clean water supply in the Town.

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119 Mr. Nichols responded that the proposed septic system design will maintain the same treatment
120 standards as required in the aquifer district regulations and perform the same waste effluent treatment
121 functions by substituting other materials for the deficient amount of natural soils to maintain the same
122 ground water separation distance for the septic system as required by the regulations. The result will be
123 a waste effluent as clean as the effluent using natural soils.

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125 Ms. Rowden suggested that the Board consider the criteria for granting a Conditional Use Permit for a
126 project within the Aquifer Protection District.

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128 Mr. Wilson stated his opinion regarding how the application meets the criteria for granting a Conditional
129 Use Permit for a project within the Aquifer Protection District.

130 a. The proposed use will not detrimentally affect the quality of the groundwater contained in the aquifer
131 in that the technical data provided by the applicant shows that the treatment method used in the
132 proposed septic system design results in a waste effluent which is cleaner than that dispersed by a
133 traditional septic system design.

134 b. The proposed use will not cause a significant reduction in the long-term volume of water contained in
135 the aquifer or in the storage capacity of the aquifer in that the proposed residential home use is
136 consistent with the allowed uses within the Aquifer Protection District.

137 c. The proposed septic system design indicates that the proposed use will discharge no wastewater on
138 the site than that typically discharged by a domestic wastewater disposal system and will not involve on-
139 site storage or disposal of toxic or hazardous wastes.

d. The application demonstrates that the proposed use complies with other applicable regulations contained within the Aquifer Protection District Ordinance.

Mr. Maggiore moved that the Planning Board approve the Conditional Use Permit application to allow construction of a septic system within the Aquifer Protection District in an area with less than four feet of natural soil above bedrock on Map/Lot 007-032-000 as represented in the application presented to the Board based on the finding that the application meets all criteria for granting a Conditional Use Permit as indicated in Zoning Ordinance Section 503 and subject to the following condition:

1. The applicant shall submit a septic system plan which indicates easement details associated with Map/Lot 007-032-000 as represented on the plan and discussed by the Planning Board at its December 5, 2023 meeting.

Second by Mr. Kroner.

Discussion of the motion – Ms. Monaghan stated her concern that, even though the septic system design plan indicates a five bedroom, single family home proposed use, the M/L 007-032-000 property may be used for a short term rental business similar to the business that the same property owner operates on the abutting 152 Atlantic Avenue property.

The vote was 6-1 in favor of the motion with Ms. Monaghan opposed.

II. Other Business

Ms. Rowden noted that she has provided additional data associated with the proposed Floodplain Development Ordinance zoning amendments for the Board's consideration at the next work session.

The meeting was adjourned at 7:40pm without objection.

Respectfully submitted,

Rick Milner
Recording Secretary